

IN THE MATTER OF:

**Proceeding Under Section 106(a) of the  
Comprehensive Environmental Response,  
Compensation, and Liability Act of 1980,  
as amended (42 U.S.C. §§ 9606(a))**

U.S. EPA Region II  
CERCLA Docket No. 02-2009-2027  
Amendment No. 1

# ADMINISTRATIVE ORDER

## **I. JURISDICTION AND GENERAL PROVISIONS**

1. The Administrative Order, CERCLA Docket No. 02-2009-2027 ("Order" or "UAO"), was issued by the United States Environmental Protection Agency ("EPA") to Respondent, L.E. Carpenter Company, and became effective on August 6, 2009.
2. The Order was issued pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9606(a), and directs Respondent to implement the remedy described in the Record of Decision for the Dayco Corporation/L.E. Carpenter Site ("Site"), dated April 18, 1994, as modified by the Explanation of Significant Differences issued by EPA on September 27, 2007.
3. Pursuant to paragraphs 94 and 95 of the Order, Respondent requested a conference with EPA to discuss this Order. On Monday, August 3, 2009, EPA and Respondent conducted a telephonic conference to discuss the Order and, based upon this conference, EPA hereby agrees to amend the Order as follows:

## **II. AMENDMENT TO ORDER**

4. Table of Contents, Section IX., Work to Be Performed, subheading A shall be amended to delete the words "Remedial Design and" and Appendix I shall be amended to add the words "and Explanation of Significant Differences" after Record of Decision.
5. Paragraph 1 shall be amended to delete the words "complete the remedial design of" in the first sentence.
6. Paragraph 33.k. shall be amended to delete the words "Appendices I and II", and replaced with "Appendix I."

Paragraph 33.m. shall be replaced to read as follows:

"Remedial Design" or "RD" shall mean those activities that were undertaken by Respondent to develop the NJDEP-approved final plans and specifications for the Remedial Action pursuant to the Remedial Design Work Plan.

7. Paragraph 33.p. item (1) shall be amended to delete the reference to "RD."

8. Paragraph 41 shall be replaced to read as follows:

Within seven (7) days of the effective date of the Order, Respondent shall identify a Project Coordinator. The Project Coordinator shall have adequate technical and managerial experience, and be responsible for the overall management of all Work to be performed under this SOW and pursuant to the Order. The Project Coordinator shall be knowledgeable at all times about all matters relating to activities regarding the RA. The Project Coordinator shall be the primary contact for EPA on all matters relating to Work at the Site, and should be available for EPA to contact during all working days.

9. Paragraph 42 shall be replaced to read as follows:

Respondent shall perform the Remedial Action and submit deliverables consistent with the tasks and time frames set forth in Sections IV-VII of the SOW.

10. Paragraph 44 shall be replaced to read as follows:

Notwithstanding any action by EPA, Respondent remains fully responsible for achievement of the Performance Standards in the ROD and SOW. Nothing in this Order, or in EPA's approval of the SOW, or in the Remedial Action Work Plan, or approval of any other submission, shall be deemed to constitute a warranty or representation of any kind by EPA that full performance of the Remedial Action will achieve the Performance Standards set forth in the ROD and in Section II of the SOW. Respondent's compliance with such approved documents does not foreclose EPA from seeking additional work to achieve the applicable performance standards.

11. Paragraph 47 shall be amended to include the words "NJDEP-approved" prior to the phrase "soil design."
12. Paragraph 49 shall be amended to replace the reference to "Sections VII and VIII" with a reference to "Sections VI and VII."
13. Paragraph 61, first sentence, shall be amended by adding the term "electronically" after the phrase "monthly progress reports." In addition, the reference to "RD" shall be deleted from this paragraph.
14. Paragraph 67 shall be replaced, in part, to read as follows:

All communications from Respondent to EPA, whether written or oral, shall be directed to EPA's RPM. Respondent shall submit to EPA and NJDEP copies of all documents, including progress reports, plans, reports, and other correspondence, which are developed pursuant to this Order electronically. One (1) hard copy of all drafts and two (2) hard copies of all final documents shall be sent by certified mail or overnight mail to the following addresses:

15. Paragraph 67 shall be amended to delete the number of copies preceding each of the three addressees.

### **III. AMENDMENT TO STATEMENT OF WORK ("SOW") (Appendix II to ORDER)**

1. The term "Remedial Design" shall be deleted from the heading of the SOW.
2. Section II., Performance Standards: The phrase "remedial design ("RD")" shall be deleted.
3. Section III.A. shall be amended to replace "five (5) days" with "seven (7) days."
4. Section III.B. shall be amended to replace "five (5) days" with "seven (7)" days and to remove the phrase "RD and."
5. Section IV., Remedial Action, A, C, and D shall be replaced to read as follows:

#### **A. Construction Contractor**

Within fifteen (15) days of EPA's approval of the Addendum to the NJDEP-approved Remedial Design Report, Respondent shall notify EPA in writing of the name, title, and qualifications of the construction contractor(s) proposed to work under the direction of the Supervising Contractor to carry out the Work to be performed pursuant to the UAO and this SOW. EPA shall thereafter provide written notice of the name(s) of the contractor(s) it approves, if any. Respondent may select any approved contractor from that list and shall notify EPA of the name of the contractor selected within fifteen (15) days of EPA's designation of approved contractors. If at any time Respondent proposes to change a

construction contractor, Respondent shall notify EPA and shall obtain approval from EPA as provided in this paragraph, before the new construction contractor performs any work under the UAO. If EPA disapproves of the selection of any contractor as the construction contractor, Respondent shall submit a list of contractors that would be acceptable to them to EPA within fifteen (15) days after receipt of EPA's disapproval of the contractor previously selected.

Respondent shall demonstrate that the Supervising Contractor has a quality system that complies with ANSI/ASQC E4-1994, Specifications and Guidelines for Quality Systems for Environmental Data Collection and Environmental Technology Programs (American National Standard, January 5, 1995), by submitting a copy of the Supervising Contractor's QMP. The QMP should be prepared in accordance with the specifications set forth in "EPA Requirements for Quality Management Plans (QA/R-2)," (EPA/240/B-01/002, March 2001) or equivalent documentation as determined by EPA.

C. Approval of Remedial Action Work Plan Addendum

EPA will either approve the Addendum to the RA Work Plan or require its modification in accordance with the procedures set forth in Section XIV of the UAO.

D. Performance of Remedial Action

1. Upon receipt of EPA's written approval of the Addendum to the RA Work Plan, Respondent shall perform the RA in accordance with the approved Addendum to the RA Work Plan and the schedule therein.
  2. During the performance of the RA, Respondent may identify and request EPA approval for field changes to the approved Addendum to the RA Work Plan, and/or RA schedule, as necessary, to complete the work. EPA will approve, disapprove, or require modification of any requests for field changes in accordance with the procedures set forth in Section XV of the UAO.
6. Section V.A., Corrective Measures, shall be amended to refer to "Section V.B."


7. Section VII.B., Compare Alternatives Against Each Other and Document the Comparison of Alternatives, shall be amended to refer to "Section VII.C."
8. Section VII.C., Focused Feasibility Study Report, shall be amended to refer to "Section VII.D."

#### IV. EFFECTIVE DATE

This Amendment No. 1 to the Order shall be effective on August 6, 2009, the effective date of the Order.

It is ORDERED and AGREED

BY:  DATE: 9/2/09

 Walter E. Mugdan, Director  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region 2